

AMENDED IN ASSEMBLY APRIL 23, 2003

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CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 732

Introduced by Assembly Member Hancock

February 19, 2003

An act to add Sections 599g and 599h to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 732, as amended, Hancock. Crime.

Existing law generally prohibits cruelty to animals. Existing law also provides that any person who subjects an animal to unnecessary cruelty or deprives it of necessary food, drink, or shelter is guilty of a crime punishable by imprisonment in a county jail or in the state prison, by a fine not exceeding \$20,000, or by both imprisonment and fine.

This bill would provide that any person who confines *in an enclosure* or tethers a *pregnant pig during pregnancy on a farm* so that the pig is unable to turn around freely is guilty of a crime punishable by imprisonment in a county jail for a period of one year, a fine of up to \$1,000, or by both that imprisonment and fine, as specified. This bill would also provide that any person who ~~raises a calf in conditions under which it is tethered and unable to turn around freely, lie down with its legs and neck outstretched, and groom itself~~ *confines a calf in an enclosure, or who tethers a calf, on a farm in a manner that prevents the calf from turning around in a complete circle or grooming itself completely or who does not feed a calf a daily diet containing sufficient*

iron to prevent anemia or sufficient solid food to prevent impairment of the development of its rumen is guilty of a crime punishable by imprisonment in a county jail for a period of one year, a fine of up to \$1,000, or by both that imprisonment and fine. Because this bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 599g is added to the Penal Code, to read:
2 599g. (a) Any person who confines ~~in an enclosure or tethers~~
3 ~~a pig during pregnancy so that the pig is unable to turn~~ a pig during
4 pregnancy in an enclosure, or who tethers a pig during pregnancy,
5 on a farm in a manner that prevents her from turning around freely
6 is guilty of a crime punishable by imprisonment in a county jail for
7 a period of one year, a fine of up to one thousand dollars (\$1,000),
8 or by both that imprisonment and fine.
9 (b) This section shall not apply ~~if the pig is undergoing an~~
10 ~~examination, test, treatment, or operation carried out for~~
11 ~~veterinary purposes provided that the period during which the pig~~
12 ~~is confined or tethered is not longer than is reasonably necessary~~
13 ~~during the prebirthing period.~~
14 (c) The following definitions shall govern this section:
15 (1) "Prebirthing period" means the seven day period prior to
16 the pig's expected date of giving birth.
17 (2) "Turning around freely" means turning around in a
18 complete circle without any impediment, including a tether, or in
19 the case of an enclosure, without touching any side of the
20 enclosure.
21 (3) "Enclosure" means any cage, crate, or other enclosure in
22 which a pig is kept for all or the majority of any day, including what
23 is commonly described as the "gestation crate."

1 (4) “Farm” means the land, buildings, support facilities, and
2 other equipment used in the production of animals for food or fiber.

3 (d) This section shall take effect on January 1, 2007.

4 SEC. 2. Section 599h is added to the Penal Code, to read:

5 599h. (a) Any person who ~~raises a calf in conditions under~~
6 ~~which it is tethered and unable to turn around freely, lie down with~~
7 ~~its legs and neck outstretched, and groom itself~~ confines a calf in
8 an enclosure, or who tethers a calf, on a farm in a manner that
9 prevents the calf from turning around in a complete circle or
10 grooming itself completely is guilty of a crime punishable by
11 imprisonment in a county jail for a period of one year, a fine of up
12 to one thousand dollars (\$1,000), or by both that imprisonment and
13 fine.

14 (b) Any person who does not feed a calf a daily diet containing
15 sufficient iron to prevent anemia or sufficient solid food to prevent
16 impairment of the development of its rumen is guilty of a crime
17 punishable by imprisonment in a county jail for a period of one
18 year, a fine of up to one thousand dollars (\$1,000), or both that fine
19 and imprisonment.

20 (c) The following definitions shall govern this section:

21 (1) “Enclosure” means any cage, crate, or other enclosure in
22 which a calf is kept for all or the majority of any day, including
23 what is commonly described as the “veal crate.”

24 (2) “Farm” means the land, buildings, support facilities, and
25 other appurtenances used in the production of animals for food or
26 fiber.

27 SEC. 3. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.